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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,762

09/30/2004

Shinichi Sasaki

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38834

7590

02/22/2006

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,762	<b>Applicant(s)</b> SASAKI ET AL.	
	<b>Examiner</b> Toan Ton	<b>Art Unit</b> 2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al (US 6829026).

Ito discloses a polarizing plate with optical compensation function, comprising at least two optically compensating layers, the optically compensating layers comprising:

a first optically compensating layer formed of a polymer film, satisfying conditions represented by  $20 \text{ nm} \leq R_e \leq 300 \text{ nm}$  and  $1 \leq R_z/R_e \leq$  [within claimed range of  $\leq$ ]

a second optically compensating layer formed of a non-liquid crystalline polymer film, satisfying conditions represented by  $0 \text{ nm} \leq R_e \leq 20 \text{ nm}$  [overlapping claimed range of 1-100 nm] and  $30 \leq R_z/R_e \leq 500$  [overlapping claimed range of 5-100],  $1 \text{ } \mu\text{m} \leq d \leq 20 \text{ } \mu\text{m}$  (e.g., 2.5  $\mu\text{m}$ );

$R_e = (n_x - n_y)d$  and  $R_z = (n_x - n_z)d$ , wherein  $n_x$ ,  $n_y$ , and  $n_z$  represent refractive indices in an X-axis direction, a Y-axis direction, and a Z-axis direction in the optically compensating first/second layer, respectively, with the X-axis direction being an axial direction exhibiting a maximum refractive index within a plane of the optically compensating first/second layer, the Y-axis direction being an axial direction perpendicular to the X-axis within the plane, the Z-axis direction being a thickness direction perpendicular to the X-axis and the Y-axis, and  $d$  represents a thickness of the optically compensating layer.

Overlapping ranges have been held as at least obvious to one of ordinary skill in the art. Sasaki discloses the compensating layers comprising retardation ranges that at least overlap with the claimed range. Further, Sasaki discloses the use of such compensating layers yield advantages such as improved viewing-angle characteristics. Therefore, it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to employ the compensating layers having particular ranges as recited above for achieving advantages such as improved viewing angle.

Sasaki discloses the polymer film forming the optically compensating layer comprising a stretched film or a liquid crystal film.

Sasaki discloses the non-liquid crystalline polymer film comprising a resin (i.e., a resin excellent in controllability over birefringent characteristics, transparency, heat resistance).

Sasaki discloses the use of an adhesive layer comprising polymer (see at least col. 6, 2<sup>nd</sup> paragraph).

Sasaki discloses a liquid crystal cell 5 arranged on the surface of the polarizing plate.

Sasaki discloses the use of a polarizer element 2 on the liquid crystal cell.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2871

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (571) 272-2303.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 20, 2006

  
TOANTON  
PRIMARY EXAMINER